

REMARKS/ARGUMENTS

In paragraph 1 of the Office Action, the Examiner has objected to the drawings on the basis that reference signs 89, 81, and 120 mentioned in the description are not included in the drawings. In response to this objection, the specification has been reviewed and amended to delete the reference signs 89, 81 and 120, since these are not necessary for a proper understanding of the invention. Only one side wall of the box 80, the left hand side wall, is visible in the cut away view of Figure 3, and it is therefore appropriate to use the reference sign 90 to represent both the left and right side wall. Reference sign 89 has therefore been deleted from paragraph 0024 in the foregoing amendment.

Reference signs 78 and 79 refer to the upper and lower transversely extending surfaces of the overlay panels 77, as seen in Figure 4, and there is no need to add reference sign 81 for the forward edge of only one of these surfaces. The reader can readily discern the forward edge of surface 78 from the drawing, without needing any reference sign. The last sentence of paragraph 0024 has therefore been deleted, and reference sign has also been deleted from paragraph 0026.

Similarly, the rear surface of panel overlay 77 does not require a reference number since its location can be clearly identified in the drawings. Reference number 120 has therefore been deleted in paragraph 0029. Paragraph 0029 has also been amended to describe the outwardly protruding features 124 of the façade which continue or run from one panel overlay to the next without interruption, as clearly illustrated in Figures 1, 3, 4 and 9. The features or protrusions 124 on each panel overlay align with corresponding features or protrusions on the next adjacent panel overlay, as can clearly be seen in Figure 1 (for example, the cross bars or ribs on the door extend across all three panels, so that they run continuously from one panel to the next, as seen in Figure 1A). It is submitted that this amendment does not add any new matter to the specification since it simply describes features in more detail which were previously described and which are clearly shown in the drawings.

It is submitted that the foregoing amendments to the specification deal with all of the Examiner's drawing objections, such that corrected drawings are not required, and reconsideration and reversal of these rejections is respectfully requested.

In paragraph 2, the Examiner objects to the specification because the reference characters 88 and 98 have both been used to designate the filler member. In the foregoing amendment, paragraph 0024 has been amended to change reference number 88 to 98, since reference number 98 in the drawings is directed to the filler member. Reference number 88 is not used in the drawings. It is believed that this correction deals with the Examiner's objection in paragraph 2, and reconsideration and reversal of this rejection is respectfully requested.

The Examiner raises some rejections under 35 U.S.C. 112, second paragraph, in paragraph 3 of the Office Action, based on some of the wording used in the claims. The Examiner points out that there is no antecedent basis for "the garage door" in claim 1, line 5, and claim 2, line 4. In the foregoing amendment, claim 2 has been amended to depend from claim 1, so that this language no longer occurs in claim 2, and claim 1, line 4 has been amended to delete the word "garage".

Claim 15 has also been rejected as indefinite. The Examiner contends that, since the shape and dimensions of the façade are compared with the shape and dimensions of the door, the door must be positively recited in the claim. Claim 15 has been amended to avoid this rejection and now defines the roll-up door comprising hinged panels and panel overlays secured over the respective panels.

It is submitted that amended claims 1,2 and 15 overcome all of the Examiner's rejections under 35 U.S.C. 112, second paragraph, and reconsideration and reversal of these claim rejections is respectfully requested.

In paragraph 4 of the Office Action, the Examiner contends that new claims 17 and 18 submitted in the previous amendment are drawn to a different invention, and has withdrawn these claims from consideration. Claims 17 and 18 have been canceled in the foregoing amendment. Applicant intends to file a divisional application directed to these claims before prosecution of the current application is complete.

In paragraph 5, the Examiner has rejected claims 1,3-5, 12, 15 and 16 as anticipated by Martinez et al. This rejection is hereby traversed, and it is submitted that amended independent

claims 1, 15 and 16 are fully distinguished from Martinez.

For a reference to anticipate a claimed invention, the reference must include each and every claimed element. In rejecting claim 1 based on Martinez, the Examiner contends that hinged sections 11 each have a panel 11 c and a panel overlay 11 a affixed thereto, with the panel overlay having a molded surface contour. Element 11 c of Martinez (see Figure 5) is not a panel but is simply a rear overlay sheet extending over the core 11 a of the panel. A similar overlay sheet 11 b is provided over the front surface of core 11 a. However, these are completely integrated with the core 11 a to form a composite unit, and thus neither "sheet" can be interpreted to be a separate panel to which a molded panel overlay is affixed. The composition of the panel 11 is described in column 2, lines 38 to 51 of Martinez. The core 11 a is a mat-formed, phenol bonded wood particle board core with overlays of phenolic resin impregnated fiber on its front and rear surface. Martinez states in column 2, lines 45 to 48:

"In the manufacture of the panel, particles or chips of wood, phenolic type resins, and a fiber overlay are *integrally fused* by a special process into a *composite unit*."(Emphasis added)

This is different from the structure as claimed in claim 1, where there is a one-piece panel overlay affixed to a rear panel. The rear panel of claim 1 is completely lacking from Martinez. It is therefore submitted that amended claim 1 is not anticipated by Martinez.

Claims 3 to 5 depend from amended claim 1 and are distinguished from this reference for the same reasons as claim 1 and also since they define other features not present in Martinez. Referring to claim 4, Martinez clearly does not have a panel comprising a rectangular box and a rectangular panel overlay adhered to the outer surface of the box and in registration with the perimeter of the box. Overlay sheet 11 c which the Examiner defines as the panel of claims 1 and 4 is actually simply a coating of phenolic resin impregnated fiber which is integrally fused with the core material 11 a. This is clearly not equivalent to a box.

Amended claim 15 includes the subject matter of claims 12 and 13, which have also been canceled, and is distinguished from Martinez because claim 13 was not rejected based on this reference.

Claim 16 is also distinguished from Martinez since it defines structure which is not present in Martinez. As can be seen in Figure 1 of Martinez, each door panel has its own stand-alone pattern, and there are no protrusions on one panel which are aligned with protrusions on an adjacent panel to form a continuous pattern running across the junction between two adjacent panels or panel overlays. This would not be possible with the Martinez structure which requires upper and lower end metal caps or rails 16,17 of channel-like shape extending over the edge of each overlay (see Figure 3). It is this structure which secures the stiles or backing members 19 to the panels 11, as is seen in Figure 3, and it is therefore essential to the Martinez invention (see also Abstract and Disclosure of Invention). The panels 11 are therefore covered by the front portions of the caps or rails adjacent their upper and lower edges, preventing any raised protrusion or feature running up to these edges. It would not be possible to modify Martinez to provide the structure claimed in claim 16, nor is there any suggestion of such a modification in Martinez.

It is therefore submitted that claims 1, 3 to 5, 15 and 16 are not anticipated by Martinez, and reconsideration and reversal of the rejection in paragraph 5 is respectfully requested.

In paragraph 6 of the Office Action, the Examiner rejects claim 2 as obvious in view of Martinez when combined with Jella. Claim 2 has been amended to depend from claim 1 and the features discussed above which are lacking from Martinez are similarly lacking from Jella. Additionally, it would not be possible to modify Martinez to provide a sloped gap as claimed, in view of Martinez' requirement for metal end caps or rails 16,17 in the form of channels receiving the upper and lower end edges of the panels 11 and securing them to the rear stiles 19. This would be extremely hard to achieve if the upper and lower end edges were inclined in the manner defined in claim 2. It is submitted that claim 2 is not obvious in view of the references cited in paragraph 2, and reconsideration and reversal of this rejection is respectfully requested.

In paragraph 7, the Examiner rejects claims 6 to 8, 13 and 14 as obvious in view of Martinez combined with Thorn. This rejection is also hereby traversed, and it is submitted that all of the remaining claims are fully distinguished from these references, both since the proposed combination of references is not obvious, and also since it would not result in the invention as

claimed.

For a proposed combination of references to be obvious, there must be some motivation suggested by the references or the prior art as a whole for making the combination, there must be some expectation of success or improvement, and the combined teachings of the references must include every element claimed. It is submitted that the proposed combination of Martinez with Thorn is not obvious. The urethane foam in Thorn is used to fill a gap between two molded door panels which are not formed of urethane material. Martinez has a single piece, preformed panel 11 which simply has overlay sheets 11b and 11c on its front and rear surfaces which are fused with the core 11a to form "a composite unit", as discussed above. This is completely different from the structure in Thorn which has a filler material between two molded door panels. There is no reason why one skilled in the field would select the material of the core filler material rather than the material of the molded door panels in Thorn to replace the material of the preformed panel 11 in Martinez. Actually, the molded door panels in Thorn are more analogous to the preformed panel 11 of Martinez, and these are not of urethane material.

In any case, the invention as claimed in amended independent claim 1 would not be achieved simply by changing the material of the panels 11 in Martinez to molded urethane. There would still be no separate panel with a front surface to which such a panel 11 was affixed. The Martinez panel is a "single piece, preformed, weather-resistant panel", as stated in the abstract, and it would be contrary to the teachings of this reference to provide any backing panel to which this panel is affixed. Neither Martinez nor Thorn describe or suggest a backing panel with a separate overlay panel affixed to the outer surface of the backing panel and having a molded surface contour. Martinez has a single piece molded panel. Thorn has two molded door panels in a frame with a core between them.

It is therefore submitted that claim 1 is not obvious in view of Martinez and Thorn. Claims 3 to 6 and 19 to 21 depend from claim 1 and are distinguished from the references for the same reasons as claim 1, and additionally since these claims include other features not present in the references. Referring to claim 4, neither reference teaches a panel comprising a rectangular box to which the panel overlay is affixed. The thin overlay sheet 11c of Martinez is clearly not

equivalent to a box as claimed, and is in any case integrally fused into the core 11a. There is also no such rectangular box in Thorn. Referring to claim 6, neither reference suggests a one-piece panel overlay of molded urethane. Even if the core 11c of Martinez was of foamed urethane, the structure of claims 1 and 6 would not be achieved, since there would still be no separate back panel to which the panel overlay was adhered.

Referring to new claim 19, the references do not suggest adjacent panel overlays with projections on one panel overlay aligned with corresponding projections on an adjacent panel overlay when the door panels are in the deployed position, so as to form a continuous contour flowing from one panel overlay to the next. As has been noted above, Martinez' door structure requires end caps or channel members 16,17 over the opposite horizontal edges of each panel 11, securing the panel to the rear stiles. This would prevent projections on the outer surface of panel 11 from extending up to the edges of the panel. The projections on the Martinez panels are all self-contained within the respective panel and do not align and flow from one panel to the next (see Figure 1). Unlike Martinez, the door structure of this invention produces a more appealing end result since there is no obvious termination or joint between one overlay panel and the next when the door is deployed, as seen in Figure 1A, for example. Thorn has a one piece, continuous door and does not have hinged sections, so the arrangement of a junction between adjacent panels is not an issue.

Claim 20 is also not obvious in view of the references. As noted above, the end channel structures or rails 16,17 are essential to the Martinez door structure, as clearly indicated by the Disclosure of Invention in column 1, the abstract, and the claims. There is nothing in the teachings of Thorn to indicate any alternative to this means for attaching the panels 11 to the rear stiles 19 which provide the pivotal connection from one panel to the next (see Figure 2 and 3 of Martinez). Any modification of Martinez to eliminate rails 16, 17 is clearly not obvious from the references. Therefore, the combination of Martinez and Thorn as proposed by the Examiner would not result in the structure of claim 20 where each overlay panel has an outer surface which is completely exposed from the upper to the lower edge.

As regards claim 21, Martinez clearly does not suggest panels which comprise a hollow

metal box with a front and rear surface and containing a filler material, with the panel overlays being adhered to the front surface of the respective boxes. The fully integrated fiber coating 11c of Martinez clearly is not equivalent to such a structure, and there is nothing in the combined teachings of the references to suggest adding such a structure to Martinez.

It is therefore submitted that claim 1 and all the claims dependent thereon are not obvious in view of Martinez and Thorn.

Claim 7 has been rewritten as an independent claim and is also distinguished from Martinez and Thorn. As has been noted above in connection with claim 1, Martinez clearly does not suggest a separate back panel to which an overlay panel is affixed, let alone adhering an overlay panel to such a back panel with glue. In Martinez, the fiber coating 11c which the Examiner interprets as the claimed "panel" is actually integrally fused with the core 11a, as described by Martinez. It therefore cannot be a separate panel to which the overlay panel is adhered with glue. There is nothing in the teachings of Thorn which would motivate one skilled in the field to modify Martinez in this respect, making the Martinez structure more complex and cumbersome for no apparent reason. Thorn has a perimeter frame 23, two molded door panels 21, 22 secured in the frame, and a foam core 24 filling the interior of frame 23. It is not clear how or why such a structure would be combined with Martinez, and any such combination would not result in the structure as claimed in claim 7.

Claim 8 depends from claim 7 and is distinguished from the references for the same reasons as claim 7.

Amended independent claim 15 is also distinguished from Martinez and Thorn. Martinez does not suggest a roll-up door which has a plurality of rectangular panels which are hinged together to move between a raised position and a deployed position, or rectangular panel overlays of molded urethane material secured over the respective panels, the overlays being of shape and dimensions corresponding to the shape and dimensions of a panel. In Martinez, it is the vertical stiles or bars 19 which are hinged together, and the panels 11 which overlay the stiles are not of molded urethane material, nor are they of predetermined shape and dimensions corresponding to the stiles – instead, they are much larger. As has been explained in detail above,

the fiber overlay sheet 17 of Martinez is not and cannot be equivalent to separate hinged panels. This sheet is integrally fused with the core 11a and is not a separate structure or panel. There is nothing in the teachings of Thorn to motivate one skilled in the field to change stiles 19 to rectangular panels matching the shape and dimensions of panels 11, or to manufacture panels 11 of urethane material. Amended claim 15 is therefore not obvious. Claims 14 and 22 which depend from claim 15 are distinguished from the references for the same reasons as claim 15, and additionally since these claims define other structure which is lacking from the references.

Referring to new claim 22, Martinez does not suggest panel overlays which are moldings of adjacent vertical sections of an object to be simulated, the object having a continuous outer surface pattern and the shaped outer surface of each panel overlay forming raised portions of the pattern which extend up to at least one edge of the overlay and align with corresponding raised portions of the pattern at an adjacent edge of at least one adjacent panel overlay so as to form a continuous pattern from one panel overlay to the next. Instead, each panel 11 of Martinez has a self contained raised pattern which is spaced from the upper and lower edges of the panel and cannot extend up to those edges since they are contained within channel-shaped end caps. The uninterrupted pattern running from the top to the bottom of the deployed door in this invention is not achieved or suggested by Martinez or by Thorn, who is not even concerned with a roll up door with hinged sections.

Amended independent claim 16 is also fully distinguished from Martinez and Thorn. Martinez does not suggest door panels each comprising a box and being pivotally connected together, let alone panel overlays each secured to the front wall of a respective panel. As noted above, the so-called "panel" 11c mentioned by the Examiner is not a panel at all, let alone a panel in the form of a box, but a fiber overlay sheet which is integrally fused with core 11a. Such a structure is also not suggested by Thorn, as has been discussed in detail above. Also, neither reference suggests that the contours of each panel overlay have protrusions which align with corresponding protrusions on at least one adjacent panel overlay to form a continuous pattern extending across the junction between adjacent panel overlays. There is no such pattern in Martinez formed by protrusions extending across the junction between the panels, and such a modification of Martinez would not be possible since Martinez requires channel-shaped end caps

over the horizontal edges of the panels. The elements of claim 16 lacking from Martinez are also not taught or suggested by Thorn.

It is submitted that none of the claims are obvious in view of the combination of references applied by the Examiner in paragraph 7. Reconsideration and reversal of the rejections in paragraph 7 is respectfully requested in the light of the foregoing amendment and argument.

It is submitted that the foregoing amendment and argument deals with all outstanding grounds of objection and rejection, and that all claims now remaining in this application, specifically claims 1 to 8, 14 to 16, and 19 to 22, are now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's Agent so that the same may be resolved and the application expedited to issue.

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Respectfully submitted,

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